

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEFFREY WONSER,

Plaintiff,

v.

Civil Action 2:24-cv-2160

Judge Sarah D. Morrison

Magistrate Judge Elizabeth P. Deavers

CHARLES L. NORMAN, *et al.*,

Defendant.

PRELIMINARY PRETRIAL ORDER

Based upon the parties' Report pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the Court **ADOPTS** the following schedule:

INITIAL DISCLOSURES

Any initial disclosures shall be made by **AUGUST 22, 2024**.

VENUE AND JURISDICTION

There are no issues related to venue or jurisdiction.

PARTIES AND PLEADINGS

Any motion to amend the pleadings or to join additional parties shall be filed by **JULY 30, 2024**.

ISSUES

Mr. Wonser applied for a vanity license plate reading "F46 LGB," but the BMV denied Mr. Wonser's application and subsequently denied the appeal of the initial application denial. Mr. Wonser is bringing claims under Section 1983 and a state-law analogue generally alleging that the BMV's limits on the content of vanity license plates violate his right to free speech. The parties have demanded a jury.

DISCOVERY PROCEDURES

All discovery shall be completed by **APRIL 15, 2025**. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. *If the parties are*

unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.

The parties agree to preserve all evidence relevant to the case. The parties do not currently anticipate any need for judicial supervision of the preservation process.

The parties agree to produce audio, video, and photographic evidence in their original format; and to produce written documents in searchable PDF format, with original formats to be produced on request with the producing party expected to comply to the extent no undue burden exists under FRCP 26. All productions will be Bates stamped, and the parties will identify documents responsive to discovery requests by Bates number.

Any proposed protective order or clawback agreement shall be filed with the Court by **OCTOBER 11, 2024**. A Word version of the proposed protective order should be sent to deavers_chambers@ohsd.uscourts.gov, for the Undersigned's signature. Any provision related to sealing must comply with S.D. Ohio Civ. R. 5.2.1. Form protective orders are available on the Court's website.

DISPOSITIVE MOTIONS

Any dispositive motion shall be filed by **MAY 16, 2025**.

EXPERT TESTIMONY

Primary expert reports must be produced by **FEBRUARY 15, 2025**. Rebuttal expert reports must be produced by **MARCH 15, 2025**. If the expert is specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required to depose a testifying expert.

SETTLEMENT

Plaintiff shall make a settlement demand by **AUGUST 30, 2024**. Defendants shall respond by **SEPTEMBER 27, 2024**. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference in **JANUARY 2025**. In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement order which requires *inter alia* that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

OTHER MATTERS

None.

If the foregoing does not accurately record the matters considered and the agreements reached at the conference, counsel will please immediately make their objection in writing. If any date set in this order falls on a Saturday, Sunday or legal holiday, the date is automatically deemed to be the next regular business day.

IT IS SO ORDERED.

Date: July 29, 2024

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE